IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 15TH MAY 2007 / 25TH VAISAKHA 1929

WP(C).No. 14421 of 2007(P)

PETITIONER:

RIYAS BABU, S/O. ABDULLAKUTTY,
AGED 26 YEARS, VALAPPURAM HOUSE, MAMPAD P.O.,
WANDOOR, MALAPPURAM DISTRICT.

BY ADV. SRI.SAKIR.K.H.

RESPONDENTS:
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1. THE TAHSILDAR,
NILAMBUR, MALAPPURAM.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. THE SUB INSPECTOR OF POLICE,
NILAMBUR POLICE STATION.

4. THE MAMPAD GRAMA PANCHAYAT,
REPRESENTED BY ITS SECRETARY.

5. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

BY SENIOR GOVERNEMNT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO.14421 OF 2007
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Dated this the 15th day of May, 2007

J U D G M E N T

Petitioner claims to be the registered owner of a Mini Lorry which was seized by the first respondent and entrusted with the 3rd respondent following the proceedings that were initiated under the Kerala Protection of River Banks and Regulations of Removal of Sand Act, 2001 and the rules framed thereunder. Ext.P3 is the Mahazar prepared at the time of seizure of the vehicle. It is stated by the petitioner that the 3rd respondent has already forwarded a report to the 2nd respondent, District Collector Malappuram for further action and the matter is pending with the 2nd respondent. At that stage, this writ petition is filed seeking an order to declare that the action of the first respondent in seizing the lorry to be illegal and requiring the respondents to release the vehicle.

2. Having considered the matter, I do not think that at this stage, when the matter is pending consideration of the respondents, it will be proper for this court to step in and declare that the proceedings initiated against the petitioner is illegal.

This court cannot usurp the powers of the statutory authorities and interfere in their discharge of such duties.

3. In the circumstances detailed in the writ petition, the only relief that can be granted to the petitioner is to direct the 2nd respondent District Collector to complete the proceedings against the petitioner as required by him under Rule 27(3) of the Rules and I do so. On the basis of the order to be passed by the 2nd respondent under Rule 27(3), the lorry shall be released to the petitioner. The District Collector shall complete the proceedings under Rule 27(3) within ten days of receipt of a copy of this judgment.

4. Petitioner is directed to produce a copy of this judgment before the 2nd respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp